

**Town of Northwood
Planning Board Meeting
June 24, 2021**

Cases heard during this meeting:

Case: 21-4 Site: Chestnut and Cape, INC.

Case: 21-4 Sub: Chestnut and Cape, INC.

Case#21-13 Heather and Peter Heigis

CASE: 21-6: Jim Hadley

Chair Baldwin called the meeting to order at 6:30 PM.

PRESENT: Betty Smith, Joe McCaffrey, Lee Baldwin, Hal Kreider, Tim Jandebour.

TOWN STAFF PRESENT: James Burdin, Town Planner and Susan Austin, Land Use Assistant

VOTING DESIGNATION: Betty Smith, Joe McCaffrey, Lee Baldwin, Hal Kreider, and Tim Jandebour.

Election of Officers

Ms. B. Smith made a motion to nominate Tim Jandebour as Chair. Mr. Kreider seconded. Motion carried 5/0.

Ms. B. Smith made a motion to nominate Lee Baldwin as Vice Chair. Mr. Kreider seconded. Motion failed 2/2/1

Mr. Kreider made a motion to nominate Joe McCaffrey as Vice Chair. Ms. Baldwin seconded. Motion carried 3/0/2

Minutes

May 27, 2021

Mr. Kreider made a motion to approve the minutes of May 27, 2021, as amended. Ms. B. Smith seconded. Motion carried 5/0.

June 10, 2021

Mr. Kreider made a motion to table the minutes of June 10, 2021 until the next meeting. Ms. B. Smith seconded. Motion carried 5/0.

Voluntary Mergers

Ward Map 232 Lot 14 and Map 232 Lot 15

Kulakowski Map 125 Lot 23 and Map 125 Lot 24

Mr. Kreider made a motion to approve the voluntary mergers. Ms. B. Smith seconded. Motion carried 5/0.

Continued Cases

Case: 21-4 Site: Chestnut and Cape, INC. Olde Canterbury Road Map 110 Lot 29.

Applicant proposes a Major Site Plan to build a 21-unit elderly home development on the existing undeveloped lot.

1

Approved by the Planning Board July 8, 2021

**Town of Northwood
Planning Board Meeting
June 24, 2021**

Case: 21-4 Sub: Chestnut and Cape, INC. Olde Canterbury Road Map 110 Lot 29. Applicant proposes a Major Subdivision to accommodate a 21-unit elderly home development on the existing undeveloped lot.

Mr. Burdin stated that they have received a request to continue this case until the next meeting.

Ms. B. Smith made a motion to continue Cases 21-4 Site and 21-4 Sub until July 8, 2021. Mr. Kreider seconded. Motion carried 5/0.

New Cases

Case#21-13

Heather and Peter Heigis, 284 First NH Turnpike, Map 231 Lot 6 Minimal impact site plan for a change of use from a residential apartment to an office space.

Ms. B. Smith made a motion to find Case 21-13 complete. Ms. Baldwin seconded. Motion carried 5/0.

Heather and Peter Heigis were present to speak for their application. Ms. Heigis stated that they would like to convert a retail space into a small office space that is above a retail store. There would be a few desks that would be occupied by both her and her husband, as well as an assistant that would be in a few times a week.

Discussion ensued among the Board about the size of the existing septic tank, and if it was sufficient for the proposed new use.

Mr. McCaffrey made a motion to find that there was no regional impact from this application. Mr. Kreider seconded. Motion carried 5/0.

Chair Jandebour opened the public hearing.

Robert Graves

“The septic issue had been rectified, there is a brand-new plan on file at the Town Hall, the gallons per day with the new design exceeds what we would ever need. In the existing use upstairs for an apartment was a building permit pulled in 2016, but that use has expired. There was an 11X18 office that I was using, that was approved for 2 years.”

Ms. B. Smith made a motion to approve Case 21-13 with the following conditions:

Prior to the signing of plans:

- 1. The applicant will make the following changes to the plan set:**
 - a. Erase, cover up, or otherwise remove the previous signature of the Planning Board chair to avoid confusion with the current approval**
 - b. Note the date that plans were amended for the current approval and by whom they were amended**
- 2. The applicant will acquire and provide copies of all necessary federal, state, and local permits including but not limited to:**
 - a state-approved septic design or written confirmation by a licensed septic designer indicating the existing septic can accommodate the proposed change of use, subject to review by the Town Building Inspector.**

**Town of Northwood
Planning Board Meeting
June 24, 2021**

- **an NDHOT driveway permit for each driveway depicted on the plan or written confirmation from NHDOT District 6 that no such permits are necessary to accommodate the proposed change of use.**

3. Deliver three copies of the plan signed by the applicant to the Town for signature.

Prior to occupancy:

4. The plans shall be signed by the chair indicating final approval of the planning board.

Conditions Subsequent:

5. All conditions of approval required and/or waivers granted by the Board associated with other uses and approvals on this site remain in effect.

Mr. Kreider seconded. Motion carried 5/0.

CASE: 21-14: Jim Hadley (Old Mountain Rev Living Trust) Old Mountain Road Map 235 Lot 34 Applicant is proposing a two-lot subdivision, creating one lot with 7.76 acres and the second lot with 25.38 acres.

Jim Hadley and Joe Berry, Berry Surveying, were present to speak for the application. Mr. Berry stated that Mr. Hadley owns tax map 235 lot 34 on Old Mountain Road. It's currently 33 acres, as shown on sheet 1, and he would like to subdivide off a single lot on Old Mountain Road, proposed lot of 7.6 acres with 681 feet of frontage, leaving the remainder as 25 acres. They have done a topo and wetlands survey on the entirety of the 7-acre lot and the front portion of the 25 acres to prove that it meets the zoning regulations. They have also done test pits to prove buildable areas on the proposed lot, which is also the same buildable area that they showed on a 2019 application. On the remainder of the lot on sheet 3 and 4, they show a state approved and town approved septic on the remainder of the 25 acres to show that it meets all the regulations for septic and well. They also show two driveways for each lot, with a sight distance plan showing that the meet town regulations for sight distance. They are requesting a few waivers as well.

Mr. McCaffrey made a motion to find the application complete. Ms. B. Smith seconded. Motion carried 5/0.

Ms. B. Smith made a motion to find that this application had no regional impact. Mr. McCaffrey seconded. Motion carried 5/0.

Waivers

Section 4.10(B)(1)(b) – the applicant requests a waiver to not conduct a topographic survey of the entire 25-acre remainder parcel, limiting surveyed contours to the buildable area along the road.

Mr. Kreider stated that other applicants have come before the Board and they have indicated that it is relatively straightforward to do a GIS/Google contours map instead. Mr. Berry stated that if that would allow the waiver to be approved and make it a condition of approval that would be fine with them.

**Town of Northwood
Planning Board Meeting
June 24, 2021**

Ms. B. Smith made a motion to approve the waiver of Section 4.10(B)(1) (b, with the stipulation that the applicant use online resources to get the best GIS data to overlay contour information. Mr. Kreider seconded. Motion carried 5/0

Section 4.10(B)(5) – the applicant requests a waiver to not identify natural features on the entire 25-acre remainder parcel, limiting depiction to the buildable area along the road.

Mr. Burdin read the abutters list.

*James and Eileen Hadley
Craig Campbell
Joseph Wilczynski
Joseph Gilbert/Kristen Woytonik
Fredrick and Margaret Walker
Weeks Living Trust
Fantom Davis Joint Rev Trust
Mason Family Trust
Jane E. Thul*

Joseph Gilbert was present.

Chair Jandebeur opened the public hearing.

Joseph Gilbert, 210 Upper Deerfield Road

“My concern is with regards to the wetlands. The applicant’s survey ends and then says that wetlands may exist in this area, and they do and they are contiguous with my property. I would really want that to be extensively surveyed. I’ve walked around and there are wetlands that are contiguous from the back of this into my property. I would have concerns about any construction potentially changing the flow of that. The stream from that wetland comes through my property. The Wilczynski property, which is next to me, was recently subdivided off of another parcel of land here, their construction, including a new septic and foundation also changed the flow of water through there and as a result of that it is redirecting runoff on my street. There is a stonewall boundary on back of the property, and the wetlands come back through the Wilczynski property and through that into my property from the side. There were trees that came down because of whatever work that was done, and they had knocked over power lines.”

Mr. McCaffrey asked if anything was rectified, or are there still problems?

Mr. Gilbert: “It wasn’t directly affecting me, but my overall roundabout concern is that the wetland system is not fully surveyed and the flow pattern changed unexpectedly

Approved by the Planning Board July 8, 2021

**Town of Northwood
Planning Board Meeting
June 24, 2021**

because of the work done. There is ledge extensively throughout the whole area, and without knowing better all of what is there, I would expect similar results affecting my property.”

Mr. Berry stated that if they had surveyed the rest of it, it wouldn't have changed the state approved septic design. How the contractor went about constructing that site had nothing to do with the design. They showed silt fence along the wetlands and met all the regulations for the town setbacks. They showed drip edges around the house. What happened on site didn't pertain to the design standard of the state of New Hampshire. Mr. McCaffery asked if he was suggesting that it was a builder's mistake? Mr. Berry stated that he wasn't saying that, just that once the subdivision was approved, you can hire anyone with an excavator to cut trees down, etc. They met all of the setbacks and that shouldn't change the waiver request for showing wetlands. They still have a state approved setback, regardless if they show wetlands in the back or not.

Mr. Gilbert: “If there is a disconnect between what the approved septic plan is and what actually goes into the ground, what assurances are there?”

Chair Jandebeur stated that the assurances are that the Town has a Building Inspector and it's his job to go out from start to finish on a project and make sure that what was agreed on between the parties is what happens. If during that process, you have concerns, you should bring up the concerns to the Building Inspector and he can go out and take a look for you. He stated that he agrees that sometimes what happens after the fact is not what was agreed to, but they are working on correcting that.

Mr. Burdin stated that on Sheet 3, it appears that the intensive wetland survey reached at least to a point that they know there is wetland across the entire width of the property. Mr. Berry stated that that was correct. Mr. Burdin asked if that meant that there is no way to reach the back portion upland without going through that wetland? Mr. Berry stated that that was also correct. Mr. Burdin stated that if that were to happen and if some future parties were to decide that they wanted to access that portion, they would be required to apply for variances through the ZBA to impact that wetland proper, and you would need to affectively survey the full wetlands at that time to determine exactly what those impacts were. Mr. Berry stated that he wasn't even sure the state would agree to building in that area because there are already buildable areas available on the lot.

Mr. Kreider stated that he feels that this whole discussion points out why he is asking for the overlay, because then they could look at it and understand the abutter concerns, or rationalize why he might not need to be concerned. But right now, he doesn't know which way the folds of the land go. He doesn't know whether what the

**Town of Northwood
Planning Board Meeting
June 24, 2021**

abutter is saying is a concern or not. That's why he would like to at least get an understanding of the contours and topography.

Chair Jandebaur stated that he would like the contours as well. He asked if the rest of the Board would like to wait until they see the contours so that maybe they would feel more comfortable about this. Mr. Berry pointed out the direction that the water flows in on the site plan.

Mr. Burdin stated that "natural features" is a bit of the Board's discretion. For some people that may be significant trees or if something is a particular size or of major prominence. Section 4.10 is site plan information that needs to be on the plan. B states that all of the following all of the following enumerated conditions need to be shown. Under B subsection 5, surface water, stone walls and other significant natural and man-made resources. Number 6, overlay district boundaries, including wetlands, conservation areas, agricultural soils, well head protection and steep slope. Actually, the waiver requested is either more appropriately transferred to be Section 4.10 (B) (6) instead of 4.10(b)(5) or that Section 6 should be added as an additional waiver request. The discussion of the wetland is not a natural feature, it is more appropriately an overlay district. The applicant gave the board another waiver request for 4.10(B)(6).

Ms. B. Smith made a motion to approve the waiver of Section 4.10(B)(5) with the stipulation that the applicant use online resources to get the best GIS data to show the natural resources. Mr. Kreider seconded. Motion carried 5/0

Ms. B. Smith made a motion to approve the waiver of Section 4.10(B)(6) with the stipulation that the applicant use online resources to get the best GIS data to show the approximately wetland delineation location. Mr. Kreider seconded. Motion carried 5/0

Chair Jandebaur closed the public hearing.

Mr. McCaffrey made a motion to approve Case 21-14 with the following conditions:

Prior to the signing of plans:

1. Make the following changes to the plans:

a. Revise proposed lot numbering to be consistent on all sheets

2. Provide certification of monument installation as required by Section 3.06

3. Deliver three signed and stamped copies of the plan and one signed and stamped mylar to the Town for signature.

6

Approved by the Planning Board July 8, 2021

**Town of Northwood
Planning Board Meeting
June 24, 2021**

Prior to the issuance of a building permit:

- 4. The plans shall be signed by the Chair indicating final approval of the Board**
- 5. Record the plat with the Rockingham County Registry of Deeds within 1 year of this decision.**
- 6. The applicant will acquire and provide copies of all necessary federal, state, and local permits to the town including, but not limited to Town of Northwood driveway permits and a state approved septic design for each lot prior to issuance of a building permit for that lot.**

Ms. B. Smith seconded.

Discussion: Mr. Kreider stated that he doesn't feel that they should approve this application tonight. He doesn't feel comfortable acting on this application until they see the rest of the information. They just heard from the abutter, who is worried about water flow. The applicant can give them that information, it might not be perfect, but without that information he doesn't feel he can make an informed decision.

Motion carried 4/1. Mr. Kreider voted no.

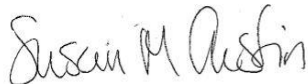
Internal Business

The Board discussed the CIP, and the next steps to the process.

Adjournment

**Mr. McCaffrey made a motion to adjourn at 8:53 pm. Ms. B. Smith seconded.
Motion carried 5/0.**

Respectfully Submitted,



Susan Austin, Land Use Assistant.

Approved by the Planning Board July 8, 2021